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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,010	12/21/2001	Matthew A. Hayduk	42390P12403	6059

8791 7590 08/17/2004

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT PAPER NUMBER

2683

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,010

Applicant(s)

HAYDUK, MATTHEW A.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 8 is objected to because of the following informalities: "wheein" should be "wherein." Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 11-12, 16, 19-20 & 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila et al. [US 6591116] (hereinafter Laurila), in view of Back [WO 01/11911] (hereinafter Back).

1. Regarding claim 1, Laurila disclose A mobile communication device having characteristics defined with a classmark (col.2; 41-55), comprising:

a processor (18; fig.1; col.4; 1-14), and

a communication module (28; fig.1) coupled to the processor. (col.7; 37-49)

Laurila fails to disclose modify the classmark to alter how the mobile communication device interacts with a second wireless network. However, Back teaches in an analogous art, that

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wherein the mobile communication device is adapted to permit a first wireless network to modify the classmark to alter how the mobile communication device interacts with a second wireless network with the communication module. (pg.11; line 16-pg.12; line 6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modify the classmark to alter how the mobile communication device interacts with a second wireless network in order to provide classmark information for facilitating handovers.

4. Regarding claim 4, Laurila disclose The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to communicate with the second communication network. (col.7; 28-49)

5. Regarding claim 5, Laurila disclose The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to access user information from the second wireless network. (col.7; 28-49)

6. Regarding claim 6, Laurila disclose The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to alter communication between the mobile communication device and the second wireless network. (col.7; 28-49)

11. Regarding claim 11, Laurila disclose A method of interacting with a first network and a second network with a portable communication device, (col.2; 41-55) comprising:

Laurila fails to disclose modifying a classmark of the portable communication device with the first network. However, Back teaches in an analogous art, that modifying a classmark of the portable communication device with the first network. (pg.11; line 16-pg.12; line 6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying a classmark of the portable communication device with the first network in order to provide classmark information for facilitating handovers.

12. Regarding claim 12, Laurila disclose The method of claim 11, wherein modifying the classmark alters how the second network interacts with the portable communication device. (col.7; 28-49)

16. Regarding claim 16, Laurila disclose The method of claim 11, further comprising: polling the portable communication device with the first network to determine the classmark of the portable communication device. (col.7; 28-49)

19. Regarding claim 19, Laurila disclose A method comprising:
polling a portable communication device from a first network to determine the classmark of the portable device; (col.2; 41-55) and

Laurila fails to disclose modifying the classmark of the portable communication device with a command from the first network. However, Back teaches in an analogous art, that modifying the classmark of the portable communication device with a command from the first network. (pg.11; line 16-pg.12; line 6) Therefore, it would have been obvious to one of ordinary

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skill in the art at the time of invention to include modifying the classmark of the portable communication device with a command from the first network in order to provide classmark information for facilitating handovers.

20. Regarding claim 20, Laurila disclose The method of claim 19, wherein modifying the classmark includes altering how a second network interacts with the portable communication device. (col.7; 28-49)

24. Regarding claim 24, Laurila disclose An article comprising a storage medium having stored thereon instructions, that, when executed by a computing platform, results (abstract) in: polling a portable communication device from a first network to determine the classmark of the portable device; (col.2; 41-55) and

Laurila fails to disclose modifying the classmark of the portable communication device with a command from the first network. However, Back teaches in an analogous art, that modifying the classmark of the portable communication device with a command from the first network. (pg.11; line 16-pg.12; line 6) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the classmark of the portable communication device with a command from the first network in order to provide classmark information for facilitating handovers.

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25. Regarding claim 25, Laurila disclose The article of claim 24, wherein the instructions, when executed, further result in: altering how a second network interacts with the portable communication device. (col.7; 28-49)

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila & Back, further in view of Rousseau et al. [US 6141547] (hereinafter Rousseau).

2. Regarding claim 2, the above combination discloses all the particulars of the claim except an alternate communication module, wherein the communication module is used to communicate with the first network and the alternate communication module is used to communicate with the second wireless network. However, Rousseau teaches in an analogous art, that the mobile communication device of claim 1, further comprising an alternate communication module, wherein the communication module is used to communicate with the first network and the alternate communication module is used to communicate with the second wireless network. (col.4; 5-28) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include an alternate communication module, wherein the communication module is used to communicate with the first network and the alternate communication module is used to communicate with the second wireless network in order to provide a module which can operate in cellular network as well as cordless network.

3. Regarding claim 3, Laurila disclose The mobile communication device of claim 2, wherein the communication module is adapted to communicate with a wireless local area network (col.8;

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33-36) and the alternate communication module is adapted to communicate with a cellular network. (col.3; 54-65)

Claims 7-8, 13-15, 22-23 & 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila & Back, further in view of Vestergaard et al. [US 2002/0119776] (hereinafter Vestergaard).

7. Regarding claim 7, the above combination discloses all the particulars of the claim except the mobile communication device is adapted to permit the first wireless network to disable communication between the mobile communication device and the second wireless network. However, Vestergaard teaches in an analogous art, that The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to disable communication between the mobile communication device and the second wireless network. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile communication device is adapted to permit the first wireless network to disable communication between the mobile communication device and the second wireless network in order to provide whether user accept/decline the handover.

8. Regarding claim 8, the above combination discloses all the particulars of the claim except the mobile communication device is adapted to permit the first wireless network to communicate with the second wireless network on behalf of a user. However, Vestergaard teaches in an

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analogous art, that The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to communicate with the second wireless network on behalf of a user. (pg.5; 0076) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile communication device is adapted to permit the first wireless network to communicate with the second wireless network on behalf of a user in order to provide whether user accept/decline the handover.

13. Regarding claim 13, the above combination discloses all the particulars of the claim except modifying the classmark disables communication between a user of the portable communication device and the second network. However, Vestergaard teaches in an analogous art, that The method of claim 12, wherein modifying the classmark disables communication between a user of the portable communication device and the second network. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the classmark disables communication between a user of the portable communication device and the second network in order to provide whether user accept/decline the handover.

14. Regarding claim 14, the above combination discloses all the particulars of the claim except modifying the classmark disables the second network from interacting with the portable communication device. However, Vestergaard teaches in an analogous art, that The method of claim 11, wherein modifying the classmark disables the second network from interacting with the portable communication device. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the

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classmark disables the second network from interacting with the portable communication device in order to provide whether user accept/decline the handover.

15. Regarding claim 15, the above combination discloses all the particulars of the claim except exchanging information between the second network and the first network via the portable communication device. However, Vestergaard teaches in an analogous art, that The method of claim 11, further comprising: exchanging information between the second network and the first network via the portable communication device. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include exchanging information between the second network and the first network via the portable communication device in order to provide whether user accept/decline the handover.

22. Regarding claim 22, the above combination discloses all the particulars of the claim except transferring information from a second network to the first network via the portable communication device. However, Vestergaard teaches in an analogous art, that The method of claim 19, further comprising transferring information from a second network to the first network via the portable communication device. (pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transferring information from a second network to the first network via the portable communication device in order to provide whether user accept/decline the handover.

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23. Regarding claim 23, the above combination discloses all the particulars of the claim except disabling a service from a second network to a user of the portable communication device.

However, Vestergaard teaches in an analogous art, that The method of claim 19, further comprising disabling a service from a second network to a user of the portable communication device. (declined; pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include disabling a service from a second network to a user of the portable communication device in order to provide whether user accept/decline the handover.

27. Regarding claim 27, the above combination discloses all the particulars of the claim except transferring information from a second network to the first network via the portable communication device. However, Vestergaard teaches in an analogous art, that The article of claim 24, wherein the instructions, when executed, further result in: transferring information from a second network to the first network via the portable communication device. (pg.5; 0075) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transferring information from a second network to the first network via the portable communication device in order to provide whether user accept/decline the handover.

28. Regarding claim 28, the above combination discloses all the particulars of the claim except disabling a service from a second network to a user of the portable communication device. However, Vestergaard teaches in an analogous art, that The article of claim 24, wherein the instructions, when executed, further result in: disabling a service from a second network to a user of the portable communication device. (declined; pg.5; 0075) Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of invention to include disabling a service from a second network to a user of the portable communication device in order to provide whether user accept/decline the handover.

Claims 9-10, 21 & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila & Back, further in view of Roel-Ng et al. [US 6002936] (hereinafter Roel-Ng).

9. Regarding claim 9, the above combination discloses all the particulars of the claim except the mobile communication device is adapted to permit the first wireless network to alter the classmark so the second wireless network can provide a user with a service. However, Roel-Ng teaches in an analogous art, that The mobile communication device of claim 1, wherein the mobile communication device is adapted to permit the first wireless network to alter the classmark so the second wireless network can provide a user with a service. (col.4; 41-59) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile communication device is adapted to permit the first wireless network to alter the classmark so the second wireless network can provide a user with a service in order to provide knowledge of all the available networks in cellular network.

10. Regarding claim 10, the above combination discloses all the particulars of the claim except the mobile communication device is adapted to permit the first wireless network to alter the classmark so that the second wireless network can provide the user with the service only when the mobile communication device is not in communication with the first wireless network.

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However, Roel-Ng teaches in an analogous art, that the mobile communication device of claim 9, wherein the mobile communication device is adapted to permit the first wireless network to alter the classmark so that the second wireless network can provide the user with the service only when the mobile communication device is not in communication with the first wireless network. (col.4; 41-59) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile communication device is adapted to permit the first wireless network to alter the classmark so that the second wireless network can provide the user with the service only when the mobile communication device is not in communication with the first wireless network in order to provide knowledge of all the available networks in cellular network.

21. Regarding claim 21, the above combination discloses all the particulars of the claim except modifying the classmark includes changing what services are available to a user from a second network. However, Roel-Ng teaches in an analogous art, that The method of clam 19, wherein modifying the classmark includes changing what services are available to a user from a second network. (col.4; 41-59) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the classmark includes changing what services are available to a user from a second network in order to provide knowledge of all the available networks in cellular network.

26. Regarding claim 26, the above combination discloses all the particulars of the claim except modifying the classmark includes changing what services are available to a user from a second network. However, Roel-Ng teaches in an analogous art, that The article of claim 24, wherein

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modifying the classmark includes changing what services are available to a user from a second network. (col.4; 41-59) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include modifying the classmark includes changing what services are available to a user from a second network in order to provide knowledge of all the available networks in cellular network.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurila & Back, further in view of Rosenberg et al. [US 2003/0013434] (hereinafter Rosenberg).

17. Regarding claim 17, the above combination discloses all the particulars of the claim except provisional control of the portable communication device with the first network. However, Rosenberg teaches in an analogous art, that The method of claim 11, further comprising: requesting provisional control of the portable communication device with the first network. (Pg.2; 0019 & Pg.5; 0061) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include provisional control of the portable communication device with the first network in order to provide a method for provisioning wireless services on a wireless device.

18. Regarding claim 18, Laurila disclose The method of claim 17, further comprising: transferring information from the second network to the first network via the portable communication device. (col.7; 28-49)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736.

The examiner can normally be reached on Mon-Fri. (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria
August 5, 2004



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